



Atty. File No. 17684 A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re/ **Application of**
Arie Hengelmolen, Sjoerd van Geffen,
René van Bakel, Ko Arts, Wilfred Vermeulen, Shurby Eloise,
Martijn Scholten, Mike Gurreri, Hiroyuki Yamada and Masahiro Hirao
Application No. 10/055,611 Group No.: 2874
Filed October 29, 2001 Examiner: Not Yet Assigned
Ferrule
Attorney Docket No. 17,684 A

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on July 29, 2002, via First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231.

Date: July 29, 2002

Amy C. Quigg
Amy C. Quigg

Commissioner for Patents
Washington, DC 20231

**PETITION UNDER 35 U.S.C. § 116
AND § 118 AND 37 C.F.R. § 1.47(a)**

Dear Sir:

Applicant hereby submits a Petition for completing the requirements for filing the above-identified application under 35 U.S.C. § 111 and 37 C.F.R. § 1.63 with Declarations executed by inventors Arie Hengelmolen, Sjoerd van Geffen, Ko Arts, Wilfred Vermeulen, Shurby Eloise, Martijn Scholten, Mike Gurreri, Hiroyuki Yamada and Masahiro Hirao on

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behalf of themselves and co-inventor Rene van Bakel who refuses to and/or is unavailable to execute the Declaration and Power of Attorney document.

FACTS

René van Bakel is a co-inventor named in the above-identified application and is party to an Intellectual Property Agreement (the "Agreement") with The Whitaker Corporation.

Pursuant to the Agreement, Mr. van Bakel has an obligation to assign to The Whitaker Corporation, and its successors in interest, any and all patent rights he may have in and to the above-identified patent application, and to execute and deliver all proper documents necessary and attendant to domestic and foreign patent applications of The Whitaker Corporation. As set forth below and in the attached Declaration, several attempts have been made to contact Mr. van Bakel by telephone, and a request has been made of Mr. van Bakel in the form of a letter to have him execute a Declaration and Power of Attorney for the above-identified application to The Whitaker Corporation pursuant to Paragraph (4) of the Agreement. All of the above attempts at contact have been unsuccessful.

On May 6, 2002, Mr. van Bakel was sent a Declaration and Power of Attorney document to his last known address via Federal Express. The address is: Bram van den Berghstraat 115, 5348 JZ Oss, The Netherlands. Attached as Exhibit 1 is a copy of our transmittal letter to Mr. van Bakel. No response from Mr. van Bakel has been received by The Whitaker Corporation.

On June 14, 2002, we asked Martijn Scholten of The Whitaker Corporation/Tyco Electronics Corporation via email to assist us in obtaining Mr. van Bakel's signature. Mr.

Scholten informed us in email correspondence of June 17, 2002 that Mr. van Bakel had left the company at the beginning of 2002. Attached as Exhibit 2 is a copy of the email correspondence to and the email reply from Mr. Scholten.

On June 19, 2002, an attempt was made by Mary Bertolino, a paralegal with Synnestvedt & Lechner LLP, outside counsel for The Whitaker Corporation, to contact Mr. van Bakel by telephone. A detailed voice mail message was left, and he was requested to return the call. A return phone call has not been received. Attached as Exhibit 3 is a copy of a file Memorandum containing this information.

On June 25, 2002, an attempt was again made by Mary Bertolino to contact Mr. van Bakel by telephone. Another voice mail message was left again requesting that Mr. van Bakel return the call. A return phone call has not been received. Attached as Exhibit 4 is a copy of a file Memorandum containing this information.

PETITION

In view of the foregoing facts, Applicants request that the present Assignment be regarded as complete under 35 U.S.C. § 115 and 37 C.F.R. §§ 1.63 and 1.64 pursuant to 35 U.S.C. § 116 and § 118 and 37 C.F.R. § 1.47(a). Granting of this Petition is necessary to preserve the parties' rights and to prevent irreparable damage to Applicants, which would occur if the above-identified patent application were to be abandoned.

Please charge Deposit Account No. 19-5425 in the amount of \$130.00 to cover the cost of this Petition. Any deficiency or overpayment should be charged or credited to Deposit Account No. 19-5425. Two additional copies of this Petition are enclosed.

PRAYER FOR RELIEF

Applicants and Applicants' assignee, The Whitaker Corporation, pray for grant of this petition. This action is necessary to preserve the rights of the parties and to prevent irreparable damage. Early and favorable action on this Petition is earnestly solicited.

Respectfully submitted,

Dated: July 29, 2002



Joseph M. Imhof
Attorney for Applicants
Registration No. 41,863

:mdb

Enclosures

THE WHITAKER CORPORATION
4550 New Linden Hill Road
Suite 450
Wilmington, DE 19808-2952
Telephone: 302-633-2763
Facsimile: 302-633-2776

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